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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,897	01/18/2005	John O. Gurosik	3961-040483	7143

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EXAMINER

FERGUSON, MICHAEL P

ART UNIT	PAPER NUMBER
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3679

MAIL DATE	DELIVERY MODE
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08/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/521,897

Applicant(s)

GUROSİK, JOHN O.

Examiner

Michael P. Ferguson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because of the following:

Elements **12,14**, shown in cross-sectional view, in Figures 3, 4, 6 and 7, fail to have proper cross-hatching based upon the material of such elements.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 1 is objected to because of the following informalities:

Claim 1 (line 21) recites "extending from the mating surface". It should recite

--extending from the second coupling element mating surface--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al. (US 4,663,922).

As to claim 1, Anderson et al. disclose a coupling apparatus, comprising:
a first coupling element **58** having a first end and a second end, including:
a mating surface **38** positioned between the first coupling element first end and the first coupling element second end;
a wedging surface **36** positioned on the first end of the first coupling element;
an engagement surface **34** positioned on the second end of the first coupling element; and
at least one alignment orifice **50**; and
a second coupling element **48** having a first end and a second end adapted to releasably attach to the first coupling element, including:
a mating surface **28** configured to abut the mating surface of the first coupling element;

at least one wedge member **26** positioned on the first end of the second coupling element and having a wedge member surface extending from the second coupling element mating surface configured to engage the wedging surface of the first coupling element, the wedge member having a distal end positioned lower than a wedge member proximal end;

at least one alignment member **40** extending from the second coupling element mating surface and configured to extend at least partially through the at least one alignment orifice; and

a locking tab **24** extending from the second coupling element mating surface and configured to abut the engagement surface at the second end of the first coupling element (Figures 5,6).

As to claim 2, Anderson et al. disclose a coupling apparatus wherein at least one of the wedging surface **36** of the first coupling element **58** and the wedge member surface **26** of the second coupling element **48** is formed as one of a substantially curved and a beveled shape (Figure 5).

As to claim 3, Anderson et al. disclose a coupling apparatus wherein the wedging surface **36** of the first coupling element **58** is configured to abut and mate with the wedge member surface **26** of the second coupling element **48** (Figure 6).

As to claim 4, Anderson et al. disclose a coupling apparatus wherein at least one of the wedging surface **36** of the first coupling element **58** and the wedge member surface **26** of the second coupling element **48** include a substantially planar segment (Figure 5).

As to claim 5, Anderson et al. disclose a coupling apparatus wherein the planar segment extends at an angle with respect to one of the mating surface **38** of the first coupling element **58** and the mating surface **28** of the second coupling element **48** (Figure 5).

As to claim 6, Anderson et al. disclose a coupling apparatus wherein at least one of the second end **34** of the first coupling element **58** and the second end **24** of the second coupling element **48** extends at an angle with respect to the respective one of the mating surface **38** of the first coupling element and the mating surface **28** of the second coupling element (Figure 5).

As to claim 7, Anderson et al. disclose a coupling apparatus wherein the at least one alignment member **40** extends at an angle with respect to the mating surface **28** of the second coupling element **48** (Figure 5).

As to claim 8, Anderson et al. disclose a coupling apparatus comprising a plurality of alignment members **40** located in a spaced apart position and extending from the mating surface **28** of the second coupling element **48** (Figure 5).

As to claim 9, Anderson et al. disclose a coupling apparatus wherein the at least one alignment member **40** includes at least one locking orifice **46** (Figure 5).

As to claim 10, Anderson et al. disclose a coupling apparatus comprising a locking pin **56** configured to engage the locking orifice **46** of the at least one alignment member **40** (Figure 6).

As to claim 11, Anderson et al. disclose a coupling apparatus wherein the locking pin **56** is a wedge member with at least one beveled surface and configured to be

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inserted at least partially through and frictionally engage the locking orifice **46** (Figure 6).

As to claim 12, Anderson et al. disclose a coupling apparatus wherein the locking tab **24** is a substantially square-shaped bar member attached on the second coupling element second end (Figure 5).

As to claim 13, Anderson et al. disclose a coupling apparatus wherein the engagement surface **34** of the first coupling element **58** is positioned at a bottom portion of a plate member **22** forming the mating surface **38** of the first coupling element (Figure 5).

As to claim 14, Anderson et al. disclose a coupling apparatus wherein the alignment orifice **50** is in a substantially square-shaped form (Figure 5).

As to claim 15, Anderson et al. disclose a coupling apparatus wherein at least one of a top alignment orifice **50** surface and a bottom alignment orifice surface is beveled (Figure 5).

As to claim 16, Anderson et al. disclose a coupling apparatus wherein the alignment member **40** has a substantially curved distal end (Figure 5).

As to claim 17, Anderson et al. disclose a coupling apparatus comprising an attachment mechanism attached to a portion of at least one of the first coupling element **58** and the second coupling element **48** and configured to allow attachment of an object to the at least one of the first coupling element and the second coupling element (Figures 1,2).

As to claim 18, Anderson et al. disclose a coupling apparatus wherein the object is one of a locomotive mechanism, a bulldozer, a forklift, a backhoe, an earthmover, a truck, a machine, a tool, an implement and a device (Figures 1,2).

As to claim 19, Anderson et al. disclose a coupling apparatus wherein the first coupling element 58 is a box-shaped structure formed from a plurality of plate elements (Figure 5).

As to claim 20, Anderson et al. disclose a coupling apparatus wherein the second coupling element 48 is a box-shaped structure formed from a plurality of plate elements (Figure 5).

Response to Arguments

5. Applicant's arguments filed May 21, 2007 have been fully considered but they are not persuasive.

As to claim 1, Attorney argues that:

Anderson et al. do not disclose a coupling apparatus comprising a first coupling element having a wedging surface *that is assembled and operates in the same manner as the arrangement of the instant invention.*

Examiner disagrees. Examiner notes that a method of assembly has not been claimed in claim 1, nor has any process limitations or functional language been recited in claim 1 in regards to the process of assembling elements; claim 1 recites a structure claim claiming a standalone structural device. Accordingly, all that is required is that the coupling apparatus of Anderson et al. reads on the claimed structural elements of claim

1; it is not required that the structure of Anderson et al. be assembled in the same manner or operate in the same manner as the instant invention.

As to claim 1, Attorney argues that:

Anderson et al. do not disclose a coupling apparatus comprising a locking tab *configured to abut the engagement surface of the first coupling element*.

Examiner disagrees. As to claim 1, Anderson et al. disclose a coupling apparatus comprising a locking tab **24** configured to abut the engagement surface **34** of the first coupling **58** (Figure 6).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (6:30am-3:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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